IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3463 OF 2004

Kiran Vithal Mhatre & Ors. .. Applicants.
Vs.
State of Maharashtra .. Respondent.

Mr.Rajiv Patil for the applicant.
Mr.A.S.Gadkari APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 25TH AUGUST, 2004

P.C.:

. Heard Mr.Patil, learned counsel for the applicant and Mr.Gadkari, learned A.P.P. for the respondent.

2. The applicants have approached this court for being released in Sessions Case No.106 of 2004 arising out of C.R.No.I-16/2004 registered at Saphale police station under sections 302, 201, 506 read with 34 of Indian Penal Code. It is alleged that the present applicant alongwith one Juvenile offender committed murder of Jairam, whose dead body was found on 12.3.2004. Deceased - Jairam and applicant nos.1 and 2 were working as watchmen in the Prown breeding farm, at village kalva. The

prosecution case rests on circumstantial evidence and the circumstances relied upon by the prosecution are as follows: (i) The FIR lodged by the son of deceased - Jairam, wherein he has stated that on 10.3.2004 applicant nos.1 and 2 had gone to their house and abused his father since he did not attended the duty despite taking advance of Rs.600/-; (ii) The alleged threat given by applicant no.2 - Prakash Patil to the complainant after finding the dead body of his father. Applicant No.2 allegedly told the son of the deceased that he should not raise cries and that the matter would be settled amicably and he would spent for cremation of the deceased; (iii) Wrong report of the death given by applicant no.3 stating that the deceased might have died of drowning. Except, the aforestated material, according to Mr.Patil, learned counsel for the applicants, there is absolutely no other material on record to connect the applicants with the crime. Mr.Gadkari, learned A.P.P. invited my attention to the statement of the complainant and of the report submitted by applicant no.3 in support of the aforestated circumstances. The prosecution did not produce any other material before me in support of their case. I find merit in the submission of

Mr.Patil that except raising suspicion against the applicants, the aforestated circumstances do not take the prosecution case any further. Keeping that in view and considering the overall facts and circumstances of the case I am inclined to enlarge the applicants on bail.

. The applicants are directed to be enlarged on bail on their furnishing a personal bond of Rs.10,000/- each with one or two sureties of the like amount to the satisfaction of the trial court, subject to the conditions that they shall report the concerned police station on every Saturday between 6 pm and 7 pm until the conclusion of their trial.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)